

**FILED**UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO**IN THE UNITED STATES DISTRICT COURT**

MAR 10 2023

**FOR THE DISTRICT OF NEW MEXICO**MITCHELL R. ELFELD  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 19-2848 JB

VICTOR KEARNEY,

Defendant.

**VERDICT**

WE, THE JURY, find the defendant, VICTOR KEARNEY,

Guilty  
(Guilty or Not Guilty)

of Conspiracy, in violation of 18 U.S.C. § 371, as charged in Count 1 of the Indictment.

*In order to find Mr. Kearney guilty of Conspiracy, you must determine whether the government has proven beyond a reasonable doubt that Mr. Kearney committed at least one of the following alleged acts in furtherance of the conspiracy. As for each alleged act, if the jury is unanimous that the government proved beyond a reasonable doubt that Mr. Kearney committed the act, the jury foreperson shall write "true" in the blank next to the alleged act. If the jury cannot agree that the government proved the alleged act, do not fill in the blank next to the alleged act.*

True

On or about October 23, 2009, Mr. Kearney signed a 2007 U.S. Individual Income Tax Return, Form 1040, failing to report that Mr. Kearney received taxable income from the Mary Pat Abruzzo-Kearney Testamentary Trust B and C.

                    

On or about August 3, 2011, Mr. Kearney signed a 2008 U.S. Individual Income Tax Return, Form 1040, failing to report that Mr. Kearney received taxable income from the Mary Pat Abruzzo-Kearney Testamentary Trust B and C.

True

On or about June 17, 2012, Mr. Kearney signed a 2009 U.S. Individual Income Tax Return, Form 1040, failing to report that Mr. Kearney received taxable income from the Mary Pat Abruzzo-Kearney Testamentary Trust B and C.

True

On or about June 17, 2012, Mr. Kearney signed a 2010 U.S. Individual Income Tax Return, Form 1040, failing to report that

Mr. Kearney received taxable income from the Mary Pat Abruzzo-Kearney Testamentary Trust B and C.

True

On or about September 6, 2013, Mr. Kearney signed a 2011 U.S. Individual Income Tax Return, Form 1040, failing to report that Mr. Kearney received taxable income from the Mary Pat Abruzzo-Kearney Testamentary Trust B and C.

True

On or about October 1, 2014, Mr. Fiser sent an email message to Mr. Kearney advising Mr. Kearney not to contact the Internal Revenue Service about the failure to file tax returns.

WE, THE JURY, find the defendant, VICTOR KEARNEY, Guilty  
(Guilty or Not Guilty)

of Making and Subscribing a False Return, Statement, or Other Document, in violation of 26

U.S.C. § 7206(1), as charged in Count 2 of the Indictment.

Dated this 10 day of March, 2023.

\_\_\_\_\_  
FOREPERSON